



“A straggler of a case, this one drags us back twenty years. To a time before the dot-com boom busted and boomed again, a time when Microsoft was busy amassing a virtual empire — if sometimes in violation of the antitrust laws.”

Novell, Inc. v. Microsoft Corp., Case No. 12-4143 (Judge Gorsuch).

“we are always reluctant to assume a statute is so worthless that Congress was up to — literally — nothing when it bothered to labor through the grueling process of bicameralism and presentment.”

Fletcher v. USA, Case No. 12-5078 (Judge Gorsuch).

“At his employer’s insistence, Carl Buck submitted to a randomized drug test, and the results weren’t good.”

Buck v. CF&I Steel, L.P., Case No. 13-1017 (Judge Gorsuch).

“I can think of no other possibilities, nor has any other possibility been suggested by Plaintiffs or the majority opinion. Are they thinking of a sign that would say ‘Please Stop at the Stop Sign’ or ‘Failure to Stop at the Stop Sign Can Be Dangerous’? And if the County added such a sign, would that be enough?”

Henderson v. Bd. of County Comm’r, Case No. 12-2057 (Judge Hartz, dissenting)

“As for the failure to warn of the obscuring trees, I wonder what the majority opinion has in mind. Should the County have erected a sign saying, ‘Warning. There is a railroad track in the distance beyond the obscuring trees.’”?

Henderson v. Bd. of County Comm’r, Case No. 12-2057 (Judge Hartz, dissenting)

“Charles Dickens could not have imagined a more tortured procedural history preceding this appeal.”

Zvunca v. Greyhound Lines, Inc.,
Case No. 11-1351 (Judge Lucero).

(Majority upheld constitutionality of statute authorizing DNA collection from felony arrestees)

“But I doubt that the proud men who wrote the charter of our liberties would have been so eager to open their mouths for royal inspection.”

Maryland v. King, Case No. 12-207 (Justice Scalia, dissenting).

“To affirm its status as a school, Green Valley, employing a familiar analogy, explains that all this court needs to do is apply the ‘duck test,’ meaning if its design application ‘looks like a duck [and] it quacks like a duck, it’s a school.’ The duck here is the definition of ‘school,’ Thus, Green Valley concludes its argument by stating, ‘[A]ll [we are] here to say is quack.’”

Johnson v. Weber County, 2013 UT App 121 (Judge Davis).

“Far from pursuing a ‘coherent’ litigation path, ‘Mr. Cook’s filings have moved the suit hither and yon—from court to court, judge to judge—forcing the parties and the courts to untangle novel, largely unsupported arguments and procedural machinations.’”

In Re Daniel W. Cook, Case No. 12-2100
(Judge Lucero).

“Back in 2007, Marco and Shelley Carani’s private marital dispute briefly spilled out onto the streets of Rifle, Colorado. The events of those few days have since managed to beget years of federal litigation.”

Carani v. Meisner, Case No. 10-1398 (Judge Gorsuch).

“This case challenges the centuries-old adage that ‘good fences make good neighbors.’”

Vandermeide v. Young, 2013 UT App 31 (Judge Voros).

“Over the course of seven months, the Scotts ‘attempted to produce a[] [single] amended complaint that complied with the rules of procedure.’ . . . ‘On his sixth attempt, [the Scotts’] counsel produced an amended complaint that did not blatantly violate any civil rule”

Scott v. Rubio, Case No. 12-2063 (Judge Baldock).

“Some time ago, this lawsuit began in Utah state court. Since then, the litigation has not so much developed as it has metastasized: parties have proliferated, claims have collided, and issues have become intimately entangled. . . . Guided by this bedrock principle of judicial administration, we now hold that this case should live out the rest of its days in the place where it began: the Utah state courts.”

D.A. Osguthorpe Family P’ship v. ASC Utah Inc.,
Case No. 11-4062 (Judge Holloway).

“[Juror Nine]: Well, [Juror Eight] is my bishop, so I do value his opinion, but I don’t think it would really make a difference that way in this case.

[District Court]: Okay. So [Juror Eight] is your ecclesiastical leader, but you don’t—although you value his opinion, you think you could—

[Juror Eight]: He never listens to me.”

State v. Smith, 2012 UT App 338 (Judge Thorne).

“In so stating, we do not mean to imply any fault on the part of Doyle’s counsel. The inadequacy of briefing may well have more to do with the tenuous nature of the claim than a failure of briefing per se.”

Doyle v Lehi City, 2012 UT App 342
(Judge Orme).

“As the lawyer for the Kansas State Fire Marshal, Rebecca Weeks had all the usual responsibilities of an in-house counsel working for a state agency. Her job included drafting proposed legislation and agency regulations, assisting with employment disputes, and the like. That is, until she was fired.”

Weeks v. State of Kansas, Case No. 11-3215
(Judge Gorsuch).

“Of course, it is equally curious that Intervenor earlier resisted being joined in this action and got himself dismissed, only to later decide that he wanted back in.”

Reller v. Reller, 2012 UT App 323
(Judge Orme).

“To put those odds in perspective, 34 billion is a number almost five times greater than the estimated number of people currently alive on planet Earth. . . . In lay terms, it’s gotta be him!”

Reller v. Reller, 2012 UT App 323
(Judge Orme).